IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FEDERAL CARBIDE COMPANY,	)	Case No. 3:15-cv-248
	)	
Plaintiff,	)	JUDGE KIM R. GIBSON
	)	
v.	)	
	)	
EXETER CONSTRUCTION, LLC and	)	
DENNIS B. BALLARD,	)	
	)	
Defendants.	)	

JUDGMENT

NOW, this 10th day of April 2017, the Court having entered default judgment in favor of plaintiff and having conducted a hearing on damages, and in consideration of plaintiff's submissions in support of damages, it is **HEREBY ORDERED** as follows:

Plaintiff is awarded compensatory damages in the amount of **$2,497,180.83**. Plaintiff's submissions in support of damages and testimony from its expert establish that this amount properly compensates plaintiff for the losses it suffered and constitutes the amount it is entitled to under its contract with defendants.

Plaintiff is awarded punitive damages in the amount of **$250,000.00**. The Court concludes that this amount is an appropriate award to punish defendants for their conduct and protect the public by deterring future similar conduct.

This leaves plaintiff's attorney's fees and costs, which are recoverable under its contract with defendants. Plaintiff filed an affidavit setting forth the expenses it incurred in bringing this case. (ECF No. 47.) Attached to the affidavit are the invoices from plaintiff's counsel, detailing the attorneys who worked on the case, their hourly rates, and their hours worked. (*Id.*) The Supreme Court has held that "[t]he most useful starting point for determining the amount of a reasonable fee is the number of hours reasonably expended . . . multiplied by a reasonable hourly rate." *Hensley v. Eckerhart*, 461 U.S. 424, 433. The result of this calculation is called the lodestar. *See City of Burlington v. Dague*, 505 U.S. 557, 562 (1992). The lodestar is strongly presumed to represent a reasonable fee. *Id.* (citations omitted).

The fee petitioner, to meet its burden of proving that its request for attorneys' fees is reasonable, must submit evidence supporting the hours worked and the rates claimed. *Rode v. Dellarciprete*, 892 F.2d 1177, 1183 (3d Cir. 1990) (internal quotation marks omitted) (citing *Hensley*, 461 U.S. at 433). "The district court should review the time charged, decide whether the hours set out were reasonably expended for each of the particular purposes described and then exclude those that are 'excessive, redundant, or otherwise unnecessary.'" *Pub. Interest Research Grp. of N.J., Inc. v. Windall*, 51 F.3d 1179, 1188 (3d Cir. 1995) (footnote omitted) (citing *Hensley*, 461 U.S. at 433-34).

Applying this standard here, the Court finds that both the hourly rates of plaintiff's counsel and the number of hours plaintiff's counsel spent working on this case are reasonable. There is no indication that the time spent or rates charged were unreasonable or excessive. Moreover, a "court may not reduce an award *sua sponte*; rather, it can only do so in response to specific objections made by the opposing party." *Interfaith Cmty. Org. v. Honeywell Int'l, Inc.*, 426 F.3d 694, 711 (3d Cir. 2005) (citing *Bell v. United Princeton Properties, Inc.*, 884 F.2d 713, 719 (3d Cir. 1989)). And despite being aware of this case, defendants have opted not to respond.

Plaintiff is therefore awarded attorney's fees and costs in the amount of **$183,321.06**. If plaintiff's affidavit (ECF No. 47) omitted attorney's fees and costs for hours worked on this case in January 2017, plaintiff shall file a supplemental affidavit **on or before April 25, 2017**, with any fees and costs not included in ECF No. 47.

BY THE COURT:

KIM R. GIBSON
UNITED STATES DISTRICT JUDGE